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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,252	11/03/2003	Sandra M. Darling	ITM-102	6100
31671	7590	12/06/2005	EXAMINER	
STEVEN C. SCHNEDLER CARTER SCHNEDLER & MONTEITH, PA 56 CENTRAL AVE., SUITE 101 PO BOX 2985 ASHEVILLE, NC 28802			BOTTORFF, CHRISTOPHER	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	10/701,252		DARLING, SANDRA M.	
	Examiner		Art Unit	
	Christopher Bottorff		3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14 and 16-28 is/are rejected.
- 7) ☒ Claim(s) 12, 13, 15, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/3/03</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The preliminary amendment filed April 13, 2005 has been entered. Claims 23-30 are entered. Claims 1-30 are pending.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on November 3, 2003 was considered by the examiner.

#### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. Note the use of "said" in lines 6 and 8.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "said flexible sheet material" in line 21. There is insufficient antecedent basis for this limitation in the claim. For the purposes of examination, the "sheet material" is interpreted as being the "fabric" recited in line 6.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-10, 14, 16-19, 21, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Lange US 4,593,841.

Lange discloses a multiple-use cover and carrier. See Figures 1 and 2. The multiple-use cover and carrier has a travel tote configuration with a backpack mode and a luggage mode as alternatives, and has a sun shade configuration when placed in front of an object to block the sun. See Figures 7-9. The multiple-use cover and carrier comprises a bag like carrier 36 made of a flexible fabric that has an interior surface and an exterior surface, wherein an interior compartment is defined that is large enough for large objects including a child safety car seat. See column 3, lines 51-53, and Figures 1, 2, and 7-9, and note the size of the bag relative to the adult male human in Figures 7-9. The compartment has an opening comprising a fastener 41, which allows the opening to be repeatedly opened and closed. See Figure 1. At least one backpack strap 51 attached to the bag-like carrier generally on the exterior surface for use in the travel tote configuration backpack mode. See Figures 2 and 8. At least one wheel 21 projects outwardly from the exterior surface at a lower end of the bag-like carrier for use in the travel tote configuration luggage mode. See Figures 2 and 7.

A relatively rigid base 14 is disposed at said lower end of the bag-like carrier, to which base the at least one wheel 21 is attached via a wheel bracket 19. See Figure 2. An object, such as a child safety car seat, may rest upon the base, particularly during luggage transport mode. See Figure 7. The flexible fabric, due to its flexibility, can be wrapped around the base to form a compact package for storage. The bag-like carrier, due to the flexibility of the fabric, is capable of being turned inside-out through the opening, with the interior surface generally exposed, and be used in the sun shade configuration when turned inside out as a protective cover for an object, such as a child safety car seat.

The at least one backpack strap 51 is releasably attached and a stowage compartment 42 is available for the backpack strap. See Figure 2. A handle 53 is provided at an upper end of the bag-like carrier for use in the luggage mode. See Figure 1. The fastener for the interior compartment opening comprises a zipper. See column 3, lines 55-56.

Furthermore, the claims contain numerous limitations that define the multiple-use cover and carrier in terms of the device's intended use. However, claims containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all of the structural limitations of the claims. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987). Here, the prior art teaches all of the structural limitations of the claims, and the ability to be used as claimed is inherent to the structures of the prior art.

Claims 1, 2, 5-10, 14, 18-21, 26, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn US 5,265,894.

Dunn discloses a multiple-use cover and carrier 11. See Figures 1-4. The multiple-use cover and carrier has a travel tote configuration with a backpack mode and a luggage mode as alternatives, and has a sun shade configuration when placed in front of an object to block the sun. See Figures 1 and 6. The multiple-use cover and carrier comprises a bag like carrier 12, 13, 14, 15, 16 made of a flexible fabric that has an interior surface and an exterior surface, wherein an interior compartment is defined that is large enough for large objects including a child safety car seat. See Figures 1-4 and note the size of the bag-like carrier relative to contained golf bag. The compartment has an opening comprising a fastener 20, which allows the opening to be repeatedly opened and closed. See figure 2. At least one backpack strap 25 attached to the bag-like carrier generally on the exterior surface for use in the travel tote configuration backpack mode. See Figure 1. At least one wheel 32 projects outwardly from the exterior surface at a lower end of the bag-like carrier for use in the travel tote configuration luggage mode. See Figure 3.

A relatively rigid base 17 is disposed at said lower end of the bag-like carrier, to which base the at least one wheel 32 is attached via a wheel bracket. See Figure 3 and column 2, lines 26-27. An object, such as a child safety car seat, may rest upon the base, particularly during luggage transport mode. See Figures 3 and 6. The flexible fabric, due to its flexibility, can be wrapped around the base to form a compact package

for storage. See Figure 5. The bag-like carrier is capable of being turned inside-out through the opening, with the interior surface generally exposed, and be used in the sun shade configuration when turned inside out as a protective cover for an object, such as a child safety car seat.

A handle 27 is provided at an upper end of the bag-like carrier for use in the luggage mode. See Figure 1. The fabric portions 12, 13, 14, 15 of the bag form a pocket, located generally on the inside of the bag-like carrier, within which the base 17 is secured. See Figure 3. The fastener 20 for the interior compartment opening comprises a zipper. See column 2, lines 28-31.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lange US 4,593,841 in view of Rosen US 5,549,354.

Lange does not disclose that a portion of the interior surface comprises a reflective material. However, Rosen teaches the desirability of providing a portion of a fabric that covers objects with a reflective material in order to minimize heat build up in the covered object. See column 3, lines 19-24, 31-37, and 41-48. From the teachings of Rosen, providing a portion of the interior surface of Lange with reflective material

would have been obvious to one of ordinary skill in the art at the time the invention was made. This would minimize heat build up within the carrier so the interior is not excessively hot when placing objects in the carrier.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lange US 4,593,841 in view of Boone US 2003/0192925.

Lange discloses a bag-like carrier 36 made of a flexible sheet material having an exterior surface and defining an interior compartment large enough to contain large objects including a child safety car seat. See column 3, lines 51-53, and Figures 1, 2, and 7-9, and note the size of the bag relative to the adult male human in Figures 7-9. A child safety car seat could be contained within the bag-like carrier. At least one backpack strap 51 is attached to the bag-like carrier generally on the exterior surface. See Figure 2. The compartment has an opening comprising a fastener 41, which allows the opening to be repeatedly opened and closed. See Figure 1. Also, the bag-like carrier has an interior surface and, due to the flexibility of the fabric, is capable of being turned inside-out through the opening, with the interior surface generally exposed. When turned inside-out, the bag-like carrier may be used in a sun shade configuration, in which the bag like carrier is placed in front of an object to block the sun, and in the sun shade configuration may serve as a protective cover for an object, such as a child safety car seat.

Although the bag-like carrier of Lange may be used in combination with a child safety car seat, Lange does not disclose that the bag-like carrier is provided in



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combination with a child safety car seat. However, Boone, in describing the well known art at the time of his invention, discloses the desirability of providing a bag-like carrier in combination with a child safety car seat. See paragraph 0005. From the teachings of Boone, providing the bag-like carrier of Lange in combination with a child safety car seat would have been obvious to one of ordinary skill in the art at the time the invention was made. This would provide a system in which the child safety car seat may be carried conveniently.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lange US 4,593,841 in view of Boone US 2003/0192925 as applied to claim 24 above, and further in view of Rosen US 5,549,354.

Lange does not disclose that a portion of the interior surface comprises a reflective material. However, Rosen teaches the desirability of providing a portion of a fabric that covers objects with a reflective material in order to minimize heat build up in the covered object. See column 3, lines 19-24, 31-37, and 41-48. From the teachings of Rosen, providing a portion of the interior surface of Lange with reflective material would have been obvious to one of ordinary skill in the art at the time the invention was made. This would minimize heat build up within the carrier so the interior is not excessively hot when placing objects in the carrier.

***Allowable Subject Matter***

Claim 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. Claims 12, 13, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not disclose, teach or suggest an interior surface of a cover and carrier that is hemmed by an elastic band, in combination with the further limitations of the claims.

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not disclose, teach or suggest the providing the zipper with a pull that is reversible such that it is accessible both when the multiple-use cover and carrier is in its travel tote configuration with the exterior surface facing outward and when the multiple-use cover and carrier is turned inside out in its sun shade configuration. This feature, in combination with the further limitations of the claims, distinguishes the claimed invention over the prior art.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brewster, Springston, Utu et al., Brown et al., Altschul et al., Lim et al., Godshaw, McCulley et al., Gardenour, and Costa et al. disclose cover and carrier arrangements.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (571) 272-6692. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Chris Bottorff", with a stylized flourish at the end.

Christopher Bottorff